

REMARKS

The present application was filed on July 16, 2003 with claims 1 through 22 and is a continuation of United States Patent Application Number 09/556,722. Claims 1-22 are presently pending in the above-identified patent application. Claims 1, 6-9, 14, and 20-22 are proposed to be amended herein.

In the Office Action, the Examiner noted that specific reference to an earlier filed application must be made in the instant application if applicant desires priority under 35 U.S.C. 120. The Examiner also noted that Applicants have not submitted a post office address as required by 37 CFR 1.33(a). The Examiner objected to the disclosure and claims 1 and 22 due to indicated informalities. The Examiner rejected claims 1-22 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner also rejected claims 1, 2, 5, 10-13, 17, and 22 under 35 U.S.C. §102(b) as being anticipated by Herz et al. (United States Patent Application Number 2001/0014868), rejected claims 3, 4, 6-9, 14, 15, 18, 20, and 21 under 35 U.S.C. §103(a) as being unpatentable over Herz et al. in view of Ojha et al. (United States Patent Number 6,598,026), and rejected claims 16 and 19 under 35 U.S.C. §103(a) as being unpatentable over Herz et al. in view of Issa (United States Patent Application Number 2003/0093355).

Priority

The Examiner noted that specific reference to an earlier filed application must be made in the instant application if Applicant desires priority under 35 U.S.C. 120.

The disclosure has been amended to move the priority statement from page 1, line 8, to page 1, line 4.

Oath/Declaration

The Examiner noted that Applicants have not submitted a post office address as required by 37 CFR 1.33(a).

Applicants are submitting a corrected declaration herewith that includes the post office addresses as required by 37 CFR 1.33(a).

Formal Objections

The disclosure and claims 1 and 22 were objected to due to indicated informalities.

Regarding the disclosure, the Examiner asserts that the reference numbers
5 (page 10, lines 23-25) should be in parentheses, and that “an store” (page 16, line 23)
should be corrected. The disclosure has been amended to correct the cited typographical
errors.

Regarding claims 1 and 22, the Examiner objects to the phrase “network
interfaces to one or more networks.” Claims 1 and 22 have been amended to address the
10 Examiner’s concern.

Section 112 Rejections

Claims 1-22 were rejected under 35 U.S.C. §112, second paragraph, as
being indefinite for failing to particularly point out and distinctly claim the subject matter
which applicant regards as the invention. In particular, the Examiner asserts that “the
15 user” in claims 1 and 20-22, “the bid agent” in claims 6-9, “the Web Page” in claim 9,
and “the conditions” in claim 14 lack proper antecedent basis.

Claims 1, 6-9, 14, 20, and 21 have been amended to correct the antecedent
basis of the cited terms. Applicants note that “the User” already has proper antecedent
basis in claim 22.

20 Independent Claims 1 and 20-22

Independent claims 1 and 22 were rejected 35 U.S.C. §102(b) as being
anticipated by Herz et al. and independent claims 20 and 21 were rejected under 35
U.S.C. §103(a) as being unpatentable over Herz et al. in view of Ojha et al.

Regarding claim 1, the Examiner asserts that the process disclosed by
25 Herz is capable of being adapted to determine whether the user chooses to receive bids on
the one or more products described in the information, and adapted to create a bid request
if the user chooses to receive bids on the one or more products described in the
information. Regarding claims 20 and 21, the Examiner acknowledges that Herz fails to
disclose determining whether the user chooses to receive bids on the one or more selected
30 products described in the information, creating a bid request if the user chooses to receive
bids on the one or more selected products described in the information,...the bid request

requesting a bid on the one or more selected products and at least one of the one or more related products, and receiving bids from the stores. The Examiner asserts, however, that Ojha discloses these limitations.

First, whether or not the system disclosed by Herz is capable of being adapted to perform the cited steps, Herz does not disclose or suggest these steps.

Second, Applicants note that, in the text cited by the Examiner, Ojha teaches:

when the buyer finishes specifying the product and clicks on "Go," a *search of a proprietary database* is initiated in response to which relevant product information is presented in the form of a list of products as shown in interface 500 of FIG. 5. Each entry in the list includes the manufacturer, specific product information, and a *product price* (e.g., the "*Lowest Price*" column which displays the lowest list price from among the *sellers* selling the specific product via the transaction site). (Col. 9, lines 37-45; emphasis added.)

Ojha teaches, therefore, that the proprietary database contains a compilation of information from a number of sellers, e.g. the "Lowest Price." Ojha does *not* disclose or suggest that a bid request is sent to one or more stores or over one or more network interfaces.

Thus, Herz et al. and Ojha et al., alone or in combination, do not disclose or suggest a bid agent process adapted to determine whether the user chooses to receive bids on the one or more products and adapted to *create a bid request* if the user chooses to receive bids on the one or more products described in the information; and a broker that *sends the bid request over one or more of the network interfaces to one or more stores*, and *wherein the broker receives bids from the stores* and resends the bids over one or more of the network interfaces to a user, as required by independent claim 1, as amended, do not disclose or suggest determining whether the user chooses to receive bids on the one or more selected products described in the information; *creating a bid request* if the user chooses to receive bids on the one or more selected products described in the information; *sending a bid request over one or more network interfaces to one or more stores*, the bid request requesting a bid on the one or more selected products and at least one of the one or more related products; and *receiving bids from the stores* and resending the bids over one or more of the network interfaces to a user, as required by independent

claims 20 and 21, as amended, and do not disclose or suggest a bid agent process that determines whether the user chooses to receive bids on the one or more products described in the information, *where the bid agent process prepares a bid request* when the user chooses to receive bids on the one or more products described in the information, and *where the bid agent process communicates the bid request over the one or more network interfaces and communicates to the user any bids received over the one or more network interfaces*, as required by independent claim 22, as amended.

Additional Cited References

Issa was also cited by the Examiner for its disclosure of a method, system, and computer site for conducting an online auction. Applicants note that Issa is directed to an Internet auction method, system and computer site where independent and/or unrelated buyers are automatically pooled to buy products/services as a group in order to entice competitive bidding from pre-approved sellers who take advantage of the large group sales to bid (offer) discounts. (See, Abstract.) Issa does not address the issue of sending a bid request to one or more stores or over one or more network interfaces.

Thus, Issa does not disclose or suggest a bid agent process adapted to determine whether the user chooses to receive bids on the one or more products and adapted to *create a bid request* if the user chooses to receive bids on the one or more products described in the information; and a broker that *sends the bid request over one or more of the network interfaces to one or more stores*, and *wherein the broker receives bids from the stores* and resends the bids over one or more of the network interfaces to a user, as required by independent claim 1, as amended, does not disclose or suggest determining whether the user chooses to receive bids on the one or more selected products described in the information; *creating a bid request* if the user chooses to receive bids on the one or more selected products described in the information; *sending a bid request over one or more network interfaces to one or more stores*, the bid request requesting a bid on the one or more selected products and at least one of the one or more related products; and *receiving bids from the stores* and resending the bids over one or more of the network interfaces to a user, as required by independent claims 20 and 21, as amended, and does not disclose or suggest a bid agent process that determines whether the user chooses to receive bids on the one or more products described in the information,

where the bid agent process prepares a bid request when the user chooses to receive bids on the one or more products described in the information, and where the bid agent process communicates the bid request over the one or more network interfaces and communicates to the user any bids received over the one or more network interfaces, as required by independent claim 22, as amended.

Dependent Claims 2-19

Dependent claims 2, 5, 10-13, and 17 were rejected under 35 U.S.C. §102(b) as being anticipated by Herz et al., claims 3, 4, 6-9, 14, 15, and 18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Herz et al. in view of Ojha et al., and claims 16 and 19 were rejected under 35 U.S.C. §103(a) as being unpatentable over Herz et al. in view of Issa.


Claims 2-19 are dependent on claim 1, and are therefore patentably distinguished over Herz et al., Ojha et al., and Issa (alone or in any combination) because of their dependency from amended independent claim 1 for the reasons set forth above, as well as other elements these claims add in combination to their base claim.

All of the pending claims, i.e., claims 1-22, are in condition for allowance and such favorable action is earnestly solicited.

If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Examiner is invited to contact the undersigned at the telephone number indicated below.

The Examiner's attention to this matter is appreciated.

Respectfully submitted,


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